

REMARKS

Claims 1-3, 9, 10, 15-17, 19-22, 28, 29, 34-36, 38-41, 47, 48, 53-55, 57-60, 66, 72-74, 76-79, 85, 86, 91-93 and 95 are pending in the application. Claims 11-14, 30-33, 49-52, 68-71 and 87-90 are withdrawn from consideration. Claims 1-3, 9, 15-17, 19-22, 28, 29, 34-36, 38-41, 47, 53-55, 57-60, 66, 72-74, 76, 85 and 95 are allowed. Advisory Action, page 1. Claims 10, 48, 67, 77-79, 86 and 91-93 are currently rejected. *Id.* Claims 10, 48, 67, 77-79, and 86-93 are cancelled in this amendment. Applicants reserve the right to pursue the material of the cancelled claims in continuing applications. Applicants believed that the cancellation of the remaining rejected claims herein places the application in position for allowance, and respectfully the entry of these amendments. By the amendments, Applicants do not acquiesce to the propriety of any of the Examiner's rejections and do not disclaim any subject matter to which Applicants are entitled. *Cf. Warner Jenkinson Co. v. Hilton-Davis Chem. Co.*, 41 U.S.P.Q.2d 1865 (U.S. 1997).

Applicants note with appreciation that the rejection of claims 76-79, 85, 86, 91-93 and 95 under 35 U.S.C. § 102(b) as anticipated by Valdés has been withdrawn. Advisory Action, page 3. Further, the Applicants note with appreciation that the rejection of claims 77-79 and 91-93 under 35 U.S.C. § 112, second paragraph, is withdrawn. *Id.*

The claims of the application were restricted into seven inventions, including Groups III and IV, claims 11-14, 30-33, 49-52, 68-71 and 87-90, drawn to diagnosing a condition and treating a condition with the mammalian anti-Dengue virus antibody of elected Group I. Restriction Requirement mailed March 31, 2005, page 2. The claims of Groups III and IV were withdrawn and amended to depend from claims 1, 20 and 77. The currently allowed claims include the linking claims 1 and 20, which link withdrawn claims 11-14, 30-33 and 49-52 and 68-71. Withdrawn claims 87-90, which depend from rejected claim 77, have been cancelled herein without prejudice. Accordingly, Applicants request that the restriction requirement between the linked inventions be withdrawn, and the inventions of claims 11-14, 30-33 and 49-52 and 68-71 be rejoined and allowed.

Rejections under 35 U.S.C. 112, first paragraph

A. Claims 10, 48, 67 and 86 remain rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Office Action mailed June 13, 2006, page 3; Advisory Action, page 3.

Claims 10, 48, 67 and 86 are cancelled without prejudice. Accordingly, Applicants respectfully request that the rejection of claims 10, 48, 67 and 86 under 35 U.S.C. § 112, first paragraph be reconsidered and withdrawn.

B. Claims 77-79 and 91-93 are newly rejected under 35 U.S.C. § 112, first paragraph, because the specification allegedly does not reasonably provide enablement for antibodies that bind at least one epitope that spans the entire sequence of the Dengue virus NS protein. Advisory Action, pages 4-5.

Claims 77-79 and 91-93 are cancelled without prejudice. Accordingly, Applicants respectfully request that the rejection of claims 77-79 and 91-93 under 35 U.S.C. § 112, first paragraph be reconsidered and withdrawn.

Conclusion

Applicants have properly and fully addressed each of the Examiner's grounds for rejection. Applicants submit that the present application is now in condition for allowance. If the Examiner has any questions or believes further discussion will aid examination and advance prosecution of the application, a telephone call to the undersigned is invited. If there are any additional fees due in connection with the filing of this amendment, please charge the fees to undersigned's Deposit Account No. 50-1067. If any extensions or fees are not accounted for, such extension is requested and the associated fee should be charged to our deposit account.

Respectfully Submitted,



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